

proposed amendments were not entered because the amendments would require further consideration and possible reformulation of the rejection.

Moreover, the Examiner asserts that the portion of the Specification pointed out by the Applicants only teaches that the transmit power of the base station is adjusted in large step or incrementally only in response to power control command received from the mobile station. The Applicants respectfully traverses the Examiner's assertion. However, in order to facilitate the issuance of Claims 1 – 7 and 9 – 11, Claims 15 – 22 (which are the claims in contention regarding power control step sizes selected in response to a characteristic of a propagation path) are cancelled herein without prejudice.

The Examiner also asserts that the feature of “two reference rate power levels having dependent rate and each with its own loop for setting the power level of the dependent rate” is not in the claim. The Applicants respectfully submit that Claim 9 (before amendment) stated:

“determining **a reference rate transmit power level**, and for determining at least **one additional reference rate transmit power level** in accordance with the reference rate transmit power. . .”

Hence, the Applicants submit that two reference rate transmit power levels are taught in Claim 9, which is a feature not taught by Henriksson or English.

The Applicants have filed a Request for Continuing Examination with amended independent Claims 1 and 9 and have cancelled Claims 15 – 22 without prejudice. The Applicants respectfully submit that the pending claims as amended are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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